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Plaintiff - *In Pro Se*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SAMUEL BERNARD JOHNSON III,

Plaintiff,

vs.

CHEVRON CORPORATION, a Delaware
corporation, CHEVRON
ENVIRONMENTAL MANAGEMENT
COMPANY, a California corporation, and
DOES 1-10,

Defendants

Case No.: C 07-05756 SI (JCS)

**DECLARATION OF SAMUEL
BERNARD JOHNSON III IN SUPPORT
OF PLAINTIFF'S EX PARTE MOTION TO
MODIFY THE COURT'S MAY 22, 2008,
(CORRECTED)PRETRIAL SCHEDULING
ORDER**

DECLARATION OF SAMUEL BERNARD JOHNSON III IN SUPPORT OF PLAINTIFF'S EX
PARTE MOTION TO MODIFY THE COURT'S MAY 22, 2008, (CORRECTED) PRETRIAL
SCHEDULING ORDER, CASE NO. C 07-05756 SI (JCS)

1 I, Samuel Bernard Johnson III, (hereinafter referred as "Plaintiff Johnson") am the
2 Plaintiff in the within action declare the following:

3 1. That I am the Plaintiff in this action and that I make this Declaration on personal
4 knowledge in support of Plaintiff Johnson's Ex Parte Motion to Modify the Court's May 22,
5 2008, (Corrected) Pretrial Scheduling Order in this action.

6 2. This action arises out of a wrongful employment termination wherein Plaintiff
7 Johnson alleges that, during his employment, he was harassed, discriminated and retaliated
8 against on the basis of his race, (confidential medical condition already in the Court's record)
9 and for complaining of alleged unlawful discriminatory and retaliatory employments practices
10 that others as well as he were being subjected to. Plaintiff Johnson also alleges that after others
11 participated in a protected activity they were subjected to retaliation by Chevron Corporation,
12 Chevron Environmental Management Company and DOES 1-10, (hereinafter referred to as the
13 Chevron Defendants"). Plaintiff Johnson further alleges that during and after the Chevron
14 Defendants conducted their Human Resources/Employee Relations department investigations
15 that he was subjected to further discriminatory employment practices in the form of harassment,
16 discrimination, a hostile work environment and retaliation for participating in a protected activity
17 that culminated in Plaintiff Johnson's employment being wrongfully terminated on August 7,
18 2006.

19 3. Plaintiff Johnson commenced this action on November 14, 2007.

20 4. On or after November 14, 2007, this action was assigned to Chief Magistrate
21 James Larson.

22 5. On December 3, 2007, Chief Magistrate James Larson assigned this action to the
23 Honorable William H. Alsup.

24 6. On January 15, 2008, the Honorable William H. Alsup stayed this action as well
25 as referred it to the Bar Association of San Francisco.

26 7. On March 24, 2008, the Honorable William H. Alsup lifted the stay in this action.

27 8. On April 16, 2008, the parties submitted a Joint Case Management Statement to
28 the Court;

9. On April 24, 2008, the parties conducted a Case Management Conference before the Honorable William H. Alsup.

10. On April 24, 2008, the Honorable William H. Alsup recused himself from this action.

11. On April 24, 2008, this action was also referred to the Court's Executive Committee for reassignment.

12. On April 25, 2008, the Court's Executive Committee assigned this action to the Honorable Susan Illston.

13. On May 9, 2008, the parties submitted a Joint Case Management Statement to the Court,

14. On May 14, 2008, Plaintiff Johnson pounded discovery on the Chevron Defendants as the parties had conducted a meet and confer pursuant to Federal Rules of Civil Procedure 26(f) and ADR L.r. 3-5.

15. On May 21, 2008, the parties conducted a Case Management Conference before the Honorable Susan Illston.

16. On May 22, 2008, the Honorable Susan Illston issued a (Corrected) Pretrial Scheduling Order.

17. On May 23, 2008, the parties exchanged his Initial Disclosure with Counsel for Chevron.

18. On June 1, 2008, the parties submitted a Stipulated Protected Order for the Court's review and approval.

19. On June 2, 2008, the Honorable Susan Illston conformed the parties Stipulated Protective Order.

20. Plaintiff Johnson has been diligently pursuing discovery in this action. On May 14, 2008, Plaintiff Johnson starting propounding discovery on the defendants in this action. The below is a complete list of discovery that has been propounded by Plaintiff Johnson:

Discovery Propounded	Propounded Date	Due Date	Complied With Due Date	Extension Date
Plaintiff's Request for Admissions to Defendant	6/2/2008	7/2/2008; 7/16/2008	Originally due July 2, 2008. Parties agreed to a	7/25/2008

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DECLARATION OF SAMUEL BERNARD JOHNSON III IN SUPPORT OF PLAINTIFF'S EX PARTE MOTION TO MODIFY THE COURT'S MAY 22, 2008, (CORRECTED) PRETRIAL SCHEDULING ORDER, CASE NO. C 07-05756 SI (JCS)

Discovery Propounded	Propounded Date	Due Date	Complied With Due Date	Extension Date
Chevron Corporation, Set One			two week extension, which made the new date 7/16/2008. Defendants requested another extension and Plaintiff Johnson granted such. New due date is Now. July 25, 2008.	
Plaintiff's Request for Admissions to Defendant Chevron Environmental Management Company, Set One	6/2/2008	7/2/2008; 7/16/2008	Originally due July 2, 2008. Parties agreed to a two week extension, which made the new date 7/16/2008. Defendants requested another extension and Plaintiff Johnson granted such. New due date is Now. July 25, 2008.	7/25/2008
Plaintiff's Request for Admissions to Defendant Chevron Corporation, Set Two	7/3/2008	8/4/2008		
Plaintiff's Request for Admissions to Defendant Chevron Environmental Management Company, Set Two	7/3/2008	8/4/2008		
Plaintiff's request for Admissions to Defendant Chevron Corporation, Set Three	7/21/2008	8/20/2008		
Plaintiff's Request for Admissions to Defendant Chevron Environmental Management Company Set Three	7/21/2008	8/20/2008		
Plaintiff's Request for Admissions to Defendant Chevron Corporation, Set Four	7/21/2008	8/20/2008		
Plaintiff's Request for Admissions to Defendant Chevron Environmental Management Company,	7/21/2008	8/20/2008		

Discovery Propounded	Propounded Date	Due Date	Complied With Due Date	Extension Date
Set Four				
Plaintiff's Request for Admissions to Defendant Chevron Corporation, Set Five	7/22/2008	8/21/2008		
Plaintiff's Request for Admissions to Defendant Chevron Environmental Management Company, Set Five	7/22/2008	8/21/2008		
Plaintiff's Request for Admissions to Defendant Chevron Corporation, Set Six	7/22/2008	8/21/2008		
Plaintiff's Request for Admissions to Defendant Chevron Environmental Management Company, Set Six	7/22/2008	8/21/2008		
Plaintiff's Request for Admissions to Defendant Chevron Corporation, Set Seven	7/22/2008	8/21/2008		
Plaintiff's Request for Admissions to Defendant Chevron Environmental Management Company, Set Seven	7/22/2008	8/21/2008		
Plaintiff's Request for Admissions to Defendant Chevron Corporation, Set Eight	7/22/2008	8/21/2008		
Plaintiff's Request for Admissions to Defendant Chevron Environmental Management Company, Set Eight	7/23/2008	8/22/2008		
Plaintiff's Request for Admissions to Defendant Chevron Corporation, Set Nine	7/23/2008	8/22/2008		
Plaintiff's Request for Admissions to Defendant Chevron Environmental	7/23/2008	8/22/2008		

Discovery Propounded	Propounded Date	Due Date	Complied With Due Date	Extension Date
Management Company, Set Nine				
Plaintiff's Request for Admissions to Defendant Chevron Corporation, Set Ten	7/23/2008	8/22/2008		
Plaintiff's Request for Admissions to Defendant Chevron Environmental Management Company, Set Ten	7/23/2008	8/22/2008		
Plaintiff's Interrogatories to Defendant Chevron Corporation, Set One	6/2/2008	6/17/2008	Defective due to exceeding 25 Roggs per Rule 33. Defendants have complied with this discovery request. Re-propounded on June 28, 2008.	N/A
Plaintiff's Interrogatories to Defendant Chevron Environmental Management Company, Set One	6/2/2008	6/17/2008	Defective due to exceeding 25 Roggs per Rule 33. Defendants have complied with this discovery request. Re-propounded on June 28, 2008.	N/A
Plaintiff's Interrogatories to Defendant Chevron Corporation, Set Two	6/28/2008	7/28/2008		
Plaintiff's Interrogatories to Defendant Chevron Environmental Management Company, Set Two	6/28/2008	7/30/2008	Ms. Isvoranu stated that Proof of Service was not signed. Served an Amended Proof of Service with service date of June 30, 2008. Now due July 30, 2008.	
Plaintiff's Interrogatories to Defendant Chevron Corporation, Set Three	6/30/2008	7/30/2008	Ms. Isvoranu stated that Proof of Service was not signed. Served an Amended Proof of Service with service date of June 30, 2008. Now due July 30, 2008	

Discovery Propounded	Propounded Date	Due Date	Complied With Due Date	Extension Date
Plaintiff's Interrogatories to Defendant Chevron Environmental Management Company, Set Three	6/30/2008	8/4/2008 ¹		
Plaintiff's Interrogatories to Defendant Chevron Corporation, Set Three	6/30/2008	8/4/2008 ²		
Plaintiff's Interrogatories to Defendant Chevron Environmental Management Company, Set Three	7/7/2008	8/7/2008 ³		
Plaintiff's Interrogatories to Defendant Chevron Corporation, Set Four	7/7/2008	8/7/2008 ⁴		
Plaintiff's Interrogatories to Defendant Chevron Environmental Management Company, Set Four	7/7/2008	8/7/2008 ⁵		
Plaintiff's Interrogatories to Defendant Chevron Corporation, Set Five	7/3/2008	8/4/2008		
Plaintiff's Interrogatories to Defendant Chevron Environmental Management Company, Set Five	7/3/2008	8/4/2008		
Plaintiff's Interrogatories to Defendant Chevron Corporation, Set Six	7/7/2008	8/7/2008 ⁶		
Plaintiff's Interrogatories to Defendant Chevron Environmental Management Company,	7/7/2008	8/7/2008 ⁷		

¹ Date in discovery states written responses are due on August 4, 2008. However, date of service was June 30, 2008. Given such, the written responses are actually due on July 30, 2008.

² *Id.*

³ Date in discovery states written responses are due on August 7, 2008. However, date of service was July 7, 2008. Given such, the written responses are actually due on August 6, 2008.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

Discovery Propounded	Propounded Date	Due Date	Complied With Due Date	Extension Date
Set Six				
Plaintiff's Interrogatories to Defendant Chevron Corporation, Set Seven	7/21/2008	8/20/2008		
Plaintiff's Interrogatories to Defendant Chevron Environmental Management Company, Set Seven	7/21/2008	8/20/2008		
Plaintiff's Request for Production of Documents to Defendant Chevron Corporation, Set One	5/14/2008	6/17/2008		
Plaintiff's Request for Production of Documents to Defendant Chevron Environmental Management Company	5/14/2008	6/17/2008		

21. Counsel for Chevron raised objections to Plaintiff Johnson Request for Production of Documents, Set One to Defendants Chevron Corporation and Chevron Environmental Management Company on the grounds of a confidentiality and privacy rule.

22. On June 2, 2008, Counsel for Chevron served Plaintiff Johnson with Special Interrogatories, Set One.

23. On June 16, 2008, Plaintiff Johnson supplemented his initial disclosures.

24. On June 24, 2008, Counsel for Chevron directed First Reprographics to serve the following subpoenas:

Name of Entity Records Sought From	Date Subpoena Served	Date for Production
Alphasoft Services Corporation	June 24, 2008	July 10, 2008
Sony Computer Entertainment America Inc.	June 24, 2008	July 10, 2008

⁷ Id.

Ross Stores, Inc.	June 24, 2008	July 10, 2008
Morrison & Foerster LLP	June 24, 2008	July 10, 2008
LaFollette, Johnson, DeHaas, Fesler & Ames, LLP	June 24, 2008	July 10, 2008
Public Utilities Commission	June 24, 2008	July 10, 2008
Lieff, Cabraser, Heimann & Bernstein, LLP	June 24, 2008	July 10, 2008
Berry & Berry, A Professional Corporation	June 24, 2008	July 10, 2008
Kaiser Permanente Stockton	June 24, 2008	July 10, 2008
Republic Indemnity Company of America	June 24, 2008	July 10, 2008
Kaiser Permanente Hospital – Medical Records, Hayward	June 24, 2008	July 10, 2008
Kaiser Permanente Hospital – Psychological Records, Hayward, California	June 24, 2008	July 10, 2008
Kaiser Permanente Hospital – Psychological Records, Stockton	June 24, 2008	July 10, 2008
Equal Employment Opportunity Commission, Oakland	June 24, 2008	July 10, 2008
Equal Employment Opportunity Commission – Legal Office, San Francisco, California	June 24, 2008	July 10, 2008
Department of Fair Employment & Housing, Oakland, California	June 24, 2008	July 10, 2008

25. On June 26, 2008, the parties conducted a telephonic meet and confer wherein Plaintiff Johnson informed Counsel for Chevron that the withheld discovery is needed in order to conduct depositions by Plaintiff Johnson. Plaintiff Johnson also informed Counsel for Chevron that defendants privacy and confidentiality rule could be invaded for litigation purposes. Given

1 such, the defendants should produce the withheld discovery without further delay. Counsel for
2 Chevron refused.

3 26. On June 26, 2008, during the telephonic meet and confer as well as thereafter,
4 Plaintiff Johnson has requested a stipulation to have the September 30, 2008, and April 2009,
5 trial date moved out. Counsel for Chevron has not provided Plaintiff Johnson with a response to
6 his request even though Plaintiff Johnson has requested such on numerous occasions.

7 27. On June 30, 2008, Counsel for Chevron served Defendant Chevron Corporation's
8 Request for Production of Documents, Set One on Plaintiff Johnson. Responses are due July 30,
9 2008.

10 28. On July 9, 2008, Plaintiff Johnson submitted a letter brief to the Honorable Joseph
11 C. Spero to resolve the pending discovery dispute. Such was done following the unsuccessful
12 efforts to resolve the issues informally with Counsel for Chevron.

13 29. On July 15, 2008, Counsel for Chevron filed its opposition to Plaintiff Johnson's
14 July 19, 2008, letter brief.

15 30. On July 15, 2008, Plaintiff Johnson filed his reply to Counsel for Chevron's July
16 15, 2008, opposition.

17 31. On July 15, 2008, Plaintiff Johnson directed First Reprographics to serve the
18 following third party subpoenas:

Name of Entity Records Sought From	Date Subpoena Served	Date for Production
Equal Employment Opportunity Commission - Legal Office, San Francisco, California	July 15, 2008	July 24, 2008
Department of Fair Employment Housing, Sacramento, California	July 15, 2008	July 24, 2008
Equal Employment Opportunity Commission, Oakland, California	July 15, 2008	July 24, 2008
Employment Development Department, Sacramento,	July 15, 2008	July 24, 2008

California		
Pacific Gas & Electric Corporation	July 15, 2008	July 24, 2008
California Department of Fair Employment & Housing, Oakland, California	July 15, 2008	July 24, 2008

32. On July 16, 2008, Plaintiff Johnson filed a reply to Counsel for Chevron's July 15, 2008, opposition.

33. On July 16, 2008, Plaintiff Johnson provided responses to the defendants Special Interrogatories, Set One.

34. On July 18, 2008, Counsel for Chevron Objected to Plaintiff Johnson serving a subpoena on Pacific Gas & Electric Corporation.

35. On July 23, 2008, Plaintiff Johnson filed a letter brief with the Honorable Joseph C. Spero seeking to compel Pacific Gas & Electric Corporation, Counsel for Chevron and Defendants Chevron Corporation and Chevron Environmental Management Company to comply with the subpoena. Counsel for Chevron's reply is due on July 28, 2008.

36. Due to the discovery dispute Plaintiff Johnson has not scheduled one single deposition in this action, including 36(b) depositions. Plaintiff Johnson further informed Counsel for Chevron of this through emails and during the June 26, 2008, telephonic conference call.

37. Plaintiff Johnson also will be sending a letter within the next few days to address certain objections that Counsel for Chevron has raised when it responded to Plaintiff Johnson's Request for Production of Documents Set One and Interrogatories that were propounded on Defendants Chevron Corporation and Chevron Environmental Management Company.

38. Given the current outstanding discovery and the discovery dispute it will be literally impossible to complete let alone take depositions as Plaintiff Johnson will not have the needed discovery to properly depose any of the employees that he would like to have deposed.

39. Likewise, it will be difficult to schedule any 36(b) depositions due to the outstanding discovery and the discovery dispute that is currently before the Honorable Joseph C. Spero.

40. No other requests for enlargement of the pretrial dates or extension of time have been submitted by Plaintiff Johnson in this action. I'm requesting the following modifications to the May 22, 2008, (Corrected) Pretrial Scheduling Order.

EVENT	CURRENT DATE	MODIFIED DATE
Non-Expert Discovery Cutoff	September 26, 2008	8
Designation of Experts	October 10, 2008	9
Further Case Management Conference	October 24, 2008	10
Designation of Experts	January 16, 2009	11
Expert Discovery Cut-off	November 21, 2008	12
Dispositive Motions	January 16, 2009	13
Opposition	January 30, 2009	14
Reply	February 20, 2009	15
Hearing	February 20, 2009	16
Pretrial Conference	April 7, 2009	17
Jury Trial Date	April 20, 2009	April 20, 2010

41. In the absence of a modification of the May 22, 2008, (Corrected) Pretrial Scheduling Order dates, it will be extremely difficult if not impossible to conduct meaningful discovery in this action. Plaintiff Johnson has an extremely meritorious action and is a well-respected legal professional. The defendants in this action repeated pattern and practice of subjecting Plaintiff Johnson to discriminatory and retaliatory employment practices as well as others stinks with the stench of racial discrimination and retaliation. Given such, it would be a

⁸ Plaintiff Johnson respectfully request that the Court set the modified dates off the April 20, 2010, trial date.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

1 travesty of justice to deny Plaintiff Johnson the opportunity to obtain the information he need to
2 prove the allegations and claims that he has alleged in this action.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 following is true and correct.

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6 Dated this 29th day of July 2008

/s/

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8 SAMUEL BERNARD JOHNSON III
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